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8   IN THE UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

10   ARNOLD JUSTICE,

11   Plaintiff,   No. CIV S-04-0684 GEB PAN P

12   vs.

13   JAN SCULLY, et al.,

14   Defendants.   ORDER

15   _____/

16   Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to

17   42 U.S.C. § 1983. By order filed May 18, 2006, plaintiff was ordered to show cause in writing

18   why this action should not be dismissed for lack of prosecution. On May 31, 2006, plaintiff filed

19   requests for entry of default against defendants Wagg and Rall together with a motion for default

20   judgment. Said motions were served on defendants on the same day.

21   The record reflects that defendant Wagg signed a waiver of service on October 22,

22   2004, and defendant Rall signed a waiver of service on December 22, 2004. Neither defendant

23   has appeared in the action. Good cause appearing, the Clerk of the Court will be directed to enter

24   the default of said defendants. See Fed. R. Civ. P. 55(a). The court intends to rule on plaintiff's

25   motion for default judgment within ninety days from the date of this order.

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1   In accordance with the above, IT IS HEREBY ORDERED that:

2   1. The May 18, 2006 order to show cause is discharged;

3   2. The Clerk of the Court is directed to enter the default of defendant Mark Rall

4   and defendant Gary Wagg;

5   3. The Clerk of the Court is directed to serve a copy of this order by certified mail

6   on Mark Rall, Office of the District Attorney, Sacramento County (Investigation Unit), 901 G

7   Street, Sacramento, California 95814;

8   4. The Clerk of the Court is directed to serve a copy of this order by certified mail

9   on Gary Wagg, Office of the District Attorney, Sacramento County (Investigation Unit), 901 G

10   Street, Sacramento, California 95814; and

11   5. The Clerk of the Court is directed to serve a copy of this order by certified mail

12   on Jan Scully, District Attorney, Sacramento County, 901 G Street, Sacramento, California

13   95814.

14   DATED: July 27, 2006.

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16   UNITED STATES MAGISTRATE JUDGE

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     just0684.def
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